IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 6357 of 2004

Between:

1 M/s. Medchal Service Station, rep. by its Managing Partner Sri P. Ramkrishna Reddy,
S/o. P. Gopal Reddy, aged about 42 Years, Occ: Business, R/o. Medchal, R.R. District.
2 M/s. Goel Brothers, rep. by its Managing Partner Sri T.C. Goel,
S/o. Late Matadin Goel, aged about 60 Years, Occ: Business, R/o. Medchal, R.R. District.
3 M/s. The Greater Hyderabad Petrol & Diesel Dealer's Association, rep. by its
Hony General Secretary, T.C. Goel, At 801/A, Alkarim Trade Centre, Ranigunj, Secunderabad - 500 003.

..... PETITIONER(S)

AND

1 Government of India, rep. by its Director General (Road Development) &
Special Secretary, Transport Bhavan, 1, Parliament Street, New Delhi - 100 001.

2 National Highways Authority of India, rep. by its Project Director,
At 6-1-132/65, Skandagiri, Near Water Tank, Padmarao Nagar, Secunderabad - 500 061.
3 Bharat Petroleum Corporation Ltd., rep. by its Area Marketing Manager,
45-A, S.D. Road, Post Box No. 1511, Secunderabade - 500 003.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in permitting the 3rd respondent to start a retail out let at site farming part of S.No863 & 864 at Medchal Village in between the retail outlet of the 1st

and 2nd petitioner outlets is illegal, arbitrary and violative of norms/ guidelines issued by Govt of India, Mlnistry of Road Transport and Highways vide letter No.RW/NH-33023/19/99 - DO-III, dt. 17-10-2003.

For the Petitioners: MR.B.VIJAYSEN REDDY, Advocate

For the Respondent No1.: Smt.A.P.Laxmi, S.C. for Central Govt.

For the Respondent No.2.: Mr.S.Niranjan Reddy, Advocate

For the Respondent No.3.: Mr.O.Manohar Reddy, Advocate

The Court Made the Following :

HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.6357 of 2004

ORAL ORDER:

This writ petition is filed questioning the action of the 2nd respondent in permitting the 3rd respondent to start a retail outlet at Medchal Village as illegal and arbitrary.

After filing of the writ petition, the National Highways Authorities produced a copy of a letter dated 10.4.2004 which shows that the proposals submitted by the 3rd respondent are not as per the norms stipulated by the Ministry Circular No.RW/NH-33023/19/99-DO-III, dated 25.9.2003 and 17.10.2003. Hence, the proposals submitted by the 3rd respondent are not acceptable and rejected.

In view of the rejection order that came after filing of the writ petition, I am of the considered opinion that the writ petition has become infructuous and no orders need be passed.

Hence, the writ petition is dismissed as having become infructuous at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J.)

29th June, 2004
bcj

To
1 Government of India, rep. by its Director General (Road Development) &
Special Secretary, Transport Bhavan, 1, Parliament Street, New Delhi - 100 001.

2 National Highways Authority of India, rep. by its Project Director,
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45-A, S.D. Road, Post Box No. 1511, Secunderabad - 500 003.
4. Two C.Ds.